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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:
Susanna M. RYBAK *et al.*

Confirmation No.: 6876

Application No.: 09/961,400

Art Unit: 1642

Filed: September 25, 2001

Examiner: YU, Misook

For: IMMUNOCONJUGATES OF TOXINS DIRECTED AGAINST MALIGNANT CELLS

Petition for Revival of Application
Abandoned Unintentionally under 37 C.F.R. § 1.137(b)

Mail Stop Petition Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The captioned application became abandoned on January 15, 2005, for failure to timely respond to the Office Action mailed July 15, 2004. A Notice of Abandonment mailed March 8, 2005, had been reviewed. By the instant paper, the undersigned respectfully petitions for revival under 37 C.F.R. § 1.137(b) of the captioned application which was abandoned unintentionally.

Pursuant to 37 C.F.R. § 1.137(b), Applicants state that:

- 1) A continuation application was filed to meet the response deadline of the parent Application No. 09/961,400, along with a Petition for Extension of Time and appropriate fees;
- 2) The undersigned received a Notice of Incomplete Nonprovisional Application, dated March 2, 2005, indicating that the continuation application, Application No. 11/036,364, did not receive a filing date;

03/31/2005 JADD01 00000071 081641 09961400

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- 3) The undersigned respectfully requests that the parent application, Application No. 09/961,400, be revived, in order that the applicants may receive the benefit of the priority date of the parent application;
- 4) A petition fee as set forth in 37 C.F.R. § 1.17(m) is submitted herewith;
- 5) The entire delay in filing the required reply from the due date for the reply until the filing of the instant petition was unintentional; and
- 6) The undersigned respectfully submits that since the captioned application was filed after June 8, 1995, a grantable petition does not require a Terminal Disclaimer.


A Petition in connection with the filing date of the continuation application, Application No. 11/036,364, is being filed separately.

Although the undersigned believes that the correct fees are attached, the Commissioner is authorized to credit any overpayment or charge any deficiency to Deposit Account No. 08-1641.

Respectfully submitted,

Date: March 30, 2005

Heller Ehrman White & McAuliffe
1717 Rhode Island Avenue, N.W.
Washington, D.C. 20036
Telephone: (202) 912-2000
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for Paul M. Booth (Reg. No. 48,986)
Reg. No. 40,244

Attorney for Applicants
Customer I.D. No. 26633

COMBINED FEE TRANSMITTAL for FY 2005

Effective 12/08/2004. Patent fees are subject to annual revision.

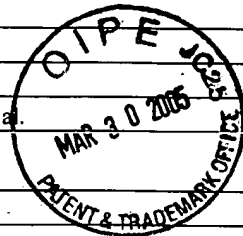
PTO/SB/17 (12-04) (Revised) (For payment of 37 CFR 1.17 fees including (f), (g), (h), & (i))

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,370.00)

Complete if Known

| | |
|----------------------|-------------------------|
| Application Number | 09/961,400 |
| Filing Date | 9/25/2001 |
| First Named Inventor | Susanna M. RYBAK et al. |
| Examiner Name | YU, Misook |
| Art Unit | 1642 |
| Attorney Docket No. | 40923-0100 US |



METHOD OF PAYMENT (check one)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number: 08-1641

Deposit Account Name: Heller Ehrman White & McAuliffe LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below

☒ Credit any overpayments and charge any deficiencies

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the deposit account

FEE CALCULATION (continued)

4. PETITION FEES UNDER 37 CFR 1.17 (f)
Fee Code: 1462 Fee \$ 400 For petitions filed under:
§ 1.53(e); § 1.57(a); § 1.182; § 1.183; § 1.378(e); § 1.741(b)

Fee Paid

5. PETITION FEES UNDER 37 CFR 1.17 (g)
Fee Code: 1463 Fee \$ 200 For petitions filed under:
§ 1.12; § 1.14; § 1.47; § 1.59; § 1.103(a); § 1.136(b); § 1.295; § 1.296; § 1.377; § 1.550(c); § 1.956; § 5.12; § 5.15; § 5.25

Fee Paid

6. PETITION FEES UNDER 37 CFR 1.17 (h)
Fee Code: 1464 Fee \$ 130 For petitions filed under:
§ 1.19(g); § 1.84; § 1.91; § 1.102(d); § 1.138(c); § 1.313; § 1.314

Fee Paid

7. PROCESSING FEES UNDER 37 CFR 1.17 (i)
Fee Code: 1808 (1803 for § 1.221) Fee \$ 130 For petitions filed under:
§ 1.28(c)(3); § 1.41; § 1.48; § 1.52(d); § 1.53(b)(3); § 1.55; § 1.99(e); § 1.103(b); § 1.103(c); § 1.103(d); § 1.217; § 1.221; § 1.291(c)(5); § 1.497(d); § 3.81

Fee Paid

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | |
|----------------------|-----------------------|-----------------------------|-----------------------|-----------------------------|-----------------------|-----------------------------|-------------------|
| Applicati on Type | Entity Fee (\$) | Small Entity Fee (\$) | Entity Fee (\$) | Small Entity Fee (\$) | Entity Fee (\$) | Small Entity Fee (\$) | Fees Paid (\$) |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 135 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |
| SUBTOTAL (1) | | | | | | | \$ |

2. EXTRA CLAIM FEES

| Entity Fee (\$) | Small Entity Fee (\$) | Fee Description |
|--------------------|-----------------------|---|
| 50 | 25 | Each claim in excess of 20 or, for Reissues, each claim in excess of 20 and more than in the original patent |
| 200 | 100 | Each Independent claim in excess of 3 or, for Reissues, each independent claim more than in the original patent |
| 360 | 180 | Multiple dependent claim, if not already paid |
| Extra Claims | | Fee from above |
| Total Claims | -20** = 0 | x 50 = |
| Independent Claims | -3** = 0 | x 200 = |

**or number previously paid, if greater; For Reissues see below

Multiple Dependent

360 =

SUBTOTAL (2)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof (round up to the whole number). See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s)

| Total Sheets | Extra Sheets | Number of each additional 50 | Fee (\$) | Small Entity Fee (\$) |
|-----------------|-----------------|------------------------------------|----------------|-----------------------------|
| 67 | -100 = 0 | 1900/50 = | x 250 OR x 125 | |
| SUBTOTAL (3) | | | | |

8. OTHER FEES

| Entity Fee (\$) | Entity Fee (\$) | Fee Description | Fee Paid |
|-----------------------|-----------------------|--|----------|
| 130 | 65 | Surcharge - late filing fee or oath | |
| 50 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 130 | 130 | Non-English specification | |
| 2,520 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 920* | 920* | Requesting publication of SIR prior to Examiner action | |
| 1,840* | 1,840* | Requesting publication of SIR after Examiner action | |
| 110 | 55 | Extension for reply within first month | |
| 430 | 215 | Extension for reply within second month | |
| 980 | 490 | Extension for reply within third month | |
| 1,530 | 765 | Extension for reply within fourth month | |
| 2,080 | 1,040 | Extension for reply within fifth month | |
| 340 | 170 | Filing a brief in support of an appeal | |
| 790 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1,510 | 1,510 | Petition to institute a public use proceeding | |
| 110 | 55 | Petition to revive - unavoidable | |
| 1,370 | 685 | Petition to revive - unintentional | 1,370 |
| 50 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 180 | 180 | Submission of Information Disclosure Stmt | |
| 300 | 150 | Request for oral hearing | |
| 790 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 790 | 395 | Request for Continued Examination (RCE) | |
| 900 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

SUBTOTAL (4+5+6+7+8) \$ 1,370

* Reduced by Basic Filing Fee Paid

SUBMITTED BY

| | | | | | | |
|----------------------|----------------------|--------------------------------------|-----------|--------------------------|-----------|--------------|
| Name (Print/Type) | Paul M. Booth, Ph.D. | Registration No. (Attorney/Agent) | 40,244 | Complete (if applicable) | Telephone | 202-912-2000 |
| Signature | <i>Paul M. Booth</i> | Date | 3/30/2005 | Customer No. | 26633 | |

(Reg. 48, 986)